

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 105.4, the Plumbing and Mechanical Systems Board hereby amends Chapter 29, “Plumbing and Mechanical Systems Board—Application, Licensure, and Examination,” Iowa Administrative Code.

The purpose of these amendments is to align the rules in Chapter 29 with the definitions and requirements contained in 2011 Iowa Acts, House File 392, as well as to make clarifications needed for certain parts of the rules. These amendments redefine “refrigeration,” “HVAC,” and “hydronic,” which affect the types of applicable licenses for which individuals will need to apply. The amendments extend the licensing period to three years for all licenses. The amendments also allow a candidate two years to apply for the applicable license after passing an examination. The amendments update guidelines for lapsed licenses and include a 30-day grace period before penalties are imposed. In addition, a waiver from examination has been provided for individuals who were in military service during the original waiver period.

Pursuant to Iowa Code section 17A.4(3), the Board finds that notice and public participation are impracticable because 2011 Iowa Acts, House File 392, became effective upon signing on April 28, 2011.

The Board also finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of the amendments should be waived and these amendments should be made effective upon filing because 2011 Iowa Acts, House File 392, became effective on April 28, 2011, and the amendments confer a benefit on the public. Professional licenses are being issued under Iowa Code chapter 105, and these amendments extend the licensing period to three years for all licenses, allow a candidate two years to apply for the applicable license after passing an examination, update guidelines for lapsed licenses and include a 30-day grace period before penalties begin.

The Plumbing and Mechanical Systems Board adopted these amendments on June 21, 2011.

These amendments are also published herein under Notice of Intended Action as **ARC 9612B** to allow public comment.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 105 as amended by 2011 Iowa Acts, House File 392.

These amendments became effective on June 21, 2011.

The following amendments are adopted.

ITEM 1. Amend rule **641—29.1(105)**, definitions of “HVAC,” “Hydronic” and “Refrigeration,” as follows:

“*HVAC*” means heating, ventilation, air conditioning, ~~and~~ ducted systems, or any type of refrigeration used for food processing or preservation. “HVAC” includes all natural, propane, liquid propane, or other gas lines associated with any component of an HVAC system.

“*Hydronic*” means a heating or cooling system that transfers heating or cooling by circulating fluid through a closed system, including boilers, pressure vessels, refrigerated equipment in connection with chilled water systems, all steam piping, hot or chilled water piping together with all control devices and accessories, installed as part of, or in connection with, any ~~comfort~~ heating or ~~comfort~~ cooling system or appliance using a liquid, water, or steam as the heating or cooling media. “Hydronic” includes all low-pressure and high-pressure systems and all natural, propane, liquid propane, or other gas lines associated with any component of a hydronic system.

“*Refrigeration*” means any system of refrigeration regardless of the level of power, if such refrigeration is intended to be used for the purpose of food processing and product preservation and is ~~not~~ also intended to be used for comfort systems. “Refrigeration” includes all natural, propane, liquid propane, or other gas lines associated with any component of refrigeration.

ITEM 2. Amend rule 641—29.2(105), introductory paragraph, as follows:

641—29.2(105) Available licenses and general requirements. Effective January 1, 2011, all licenses issued by the board will be for a three-year period. All licenses issued prior to January 1, 2011, will be for a two-year period. Subject to the general requirements set forth herein and the minimum qualifications for licensure set forth in rule 641—29.4(105), the following licenses are available:

ITEM 3. Amend paragraph **29.2(4)“g”** as follows:

g. Provide the board with evidence that the applicant holds an active master license or employs at least one person who holds an active master license issued under Iowa Code chapter 105 for each discipline in which the applicant performs chapter 105-covered work.

ITEM 4. Amend paragraph **29.6(3)“1”** as follows:

1. A journeyperson examination applicant may apply to sit for the examination up to ~~60 days~~ 6 months prior to completion of the 48 months of required apprentice credit, which shall include the granting of advanced standing or credit for previously acquired experience, training, or skills.

ITEM 5. Adopt the following **new** subrule 29.6(4):

29.6(4) Expiration of passing examination score. An applicant who successfully passes an examination must apply for licensure in the applicable discipline at the applicable discipline level within two years of notification that the applicant successfully passed the examination. A passing examination score shall expire if the applicant fails to apply for licensure within the two-year period as set forth herein, and the applicant shall be required to successfully retake said examination to become licensed in the applicable discipline at the applicable discipline level.

ITEM 6. Amend subrule 29.7(1), introductory paragraph, as follows:

29.7(1) The period of licensure to operate as a contractor or work as a master, journeyperson or apprentice in the plumbing, HVAC, refrigeration, or hydronic disciplines or work as a certified medical gas system installer or work in the specialty license disciplines developed by the board shall be ~~biennial (every two years)~~ for a period of three years.

ITEM 7. Amend subparagraphs **29.7(2)“b”(1)** and **(2)** as follows:

(1) A licensee who allows a license to lapse for ~~one month~~ 30 days or less may reinstate and renew the license without examination upon payment of ~~a late fee and~~ the appropriate renewal of license fee as defined in 641—subrule 28.1(5).

(2) A licensee who allows a license to lapse for more than ~~one month~~ 30 days but less than ~~two months~~ 60 days may reinstate and renew the license without examination upon payment of ~~a late fee equivalent to the appropriate license fee~~ a \$60 late fee and the appropriate renewal of license fee as defined in 641—subrule 28.1(5).

ITEM 8. Amend paragraph **29.7(2)“c,”** introductory paragraph, as follows:

c. A licensee who allows a license to lapse for more than ~~two months~~ 60 days is required to retake and pass the applicable licensing examination and pay the appropriate renewal of license fee as defined in 641—subrule 28.1(5) in order to obtain reinstatement and renewal of that person’s license.

ITEM 9. Adopt the following **new** rule 641—29.9(105):

641—29.9(105) Waiver from examination for military service. The written examination requirements and prior experience requirements set forth in Iowa Code sections 105.18(2) “b”(1) and 105.18(2) “c” shall be waived for a journeyperson license or master license if the applicant meets all of the following requirements:

29.9(1) Is an active or retired member of the United States military.

29.9(2) Provides documentation that the applicant was deployed on active duty during any portion of the time period of July 1, 2008, through December 31, 2009.

29.9(3) Provides documentation that shows the applicant has previously passed an examination which the board deems substantially similar to the examination for a journeyperson license or a master

license, as applicable, issued by the board, or provides documentation that shows the applicant has previously been licensed by a state or local government jurisdiction in the same trade and trade level.

ITEM 10. Amend **641—Chapter 29**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 105 as amended by 2011 Iowa Acts, House File 392.

[Filed Emergency 6/21/11, effective 6/21/11]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/13/11.